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October 22, 2021

*Via ECF*

The Honorable Sarah Netburn  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

As directed by the Court's order by memorandum endorsement of August 24, 2021, ECF No. 7069, I write on behalf of Defendant Kingdom of Saudi Arabia ("Saudi Arabia") to bring the Court up to date on the status of the parties' efforts to propose redactions in accordance with the Court's November 24, 2020 order, ECF No. 6541. The Plaintiffs' Executive Committees ("Plaintiffs"), the Federal Bureau of Investigation ("FBI"), and Defendant Dallah Avco all join in this letter.

As set forth in the parties' previous letters of July 23, 2021, ECF No. 6977, August 23, 2021, ECF No. 7068, and September 22, 2021, ECF No. 7130, Plaintiffs indicated during a meet-and-confer on July 12 that they intend to make a proposal concerning the treatment of the redactions for the deposition transcripts of Khalil Al Khalil and Osman Kaldirim, as well as other redactions more generally, and that they will likely seek relief from the Court on these issues. Additionally, Plaintiffs contend that in light of the FBI's admission that its subfile investigation is now closed, the FBI Protective Order should be lifted or substantially modified. Saudi Arabia, Dallah Avco, and the FBI will review and respond to Plaintiffs' proposal.

Earlier today, Saudi Arabia circulated to the parties proposed redactions for the sealed filings leading up to the Court's January 13 and March 12, 2021 orders. Counsel are continuing to work on proposed redactions for the sealed filings leading up to the Court's June 15, 2021 order. Saudi Arabia will continue to supplement the list of outstanding filings for redaction review as appropriate. Plaintiffs have not yet had an opportunity to review the material Saudi Arabia circulated today.

As the Court is aware, the FBI is actively engaged in a declassification review of several categories of records pursuant to President Biden's Executive Order dated September 3, 2021. Under the Executive Order, the FBI is to complete its review of the classified records

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previously withheld in whole or in part in this case within 60 days, or by November 2, 2021, and to make public information that is declassified as a result of that review consistent with applicable law, including the Privacy Act. The FBI's review pursuant to the Executive Order is likely to substantially inform its position with regard to the extent to which information that was previously produced pursuant to the FBI Protective Order can be made public. Accordingly, the FBI believes that further review of court filings and deposition transcripts for potential redactions under the FBI Protective Order should be deferred until after November 2, when the FBI completes its review of this category of records under the Executive Order.

Dallah Avco has reviewed the proposed redactions circulated prior to October 22, 2021. It takes no position on those redactions and does not itself propose any additional redactions. However, Dallah Avco has not yet been able to review the proposed redactions circulated earlier today.

Counsel for all parties will continue to work to move this process forward. Subject to the Court's approval, we propose to submit another joint status letter on or before November 22, 2021.

Respectfully submitted,

*/s/ Michael K. Kellogg*

Michael K. Kellogg  
*Counsel for the Kingdom of Saudi Arabia*

cc: All MDL Counsel of Record (via ECF)